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PCT

ATTORNEY DOCKET NO. 21101.0047U2
Application No. 10/539,178

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Flanigan, <i>et al.</i>)	Art Unit: Unassigned
)	
Application No. 10/539,178)	Confirmation No. Unassigned
)	
Filing Date: June 16, 2005)	Examiner: Unassigned
)	
For: RAPID DIRECT SEQUENCE)	
ANALYSIS OF MULTI-EXON GENES)	

RECEIVED

20 DEC 2005

**PETITION TO CORRECT FILING DATE
UNDER 37 CFR 1.10(c)**

**Legal Staff
International Division**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

August 18, 2005

Sir:

Pursuant to 37 CFR 1.10(c) and MPEP 513, Applicants respectfully request that the filing date for the above-identified application reflect and correspond to the date stamped by the U.S.

Postal Service on Express Mail Label No. EL970613115US.

On June 16, 2005, a U.S. national phase application was filed under the provisions of 37 CFR 1.10. On July 1, 2005, the undersigned received the itemized return postcard from the U.S. Patent Office, wherein the application number and filing date were stamped thereon. It was noted that the date stamped on the postcard was June 18, 2005 instead of June 16, 2005, which

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was the actual filing date. It was also noted that the Original Express Mail Label has two dates indicated: June 18, 2005 handwritten as date in and June 16, 2005 stamped as date in.

Attached hereto are:

1. copies of the originally filed transmittal letter with the Express Mail label indicated in the Certificate of Express Mailing;
2. a copy of the return postcard with the application number and filing date stamped thereon;
3. a true copy of the Express Mail label with the date June 16, 2005 stamped thereon by the U.S. Postal Service; and
4. a copy of the "Track & Confirm" from the USPS website verifying that the package was accepted on June 16, 2005 and arrived in Virginia on June 17, 2005.

This petition is being promptly filed after becoming aware that the Patent Office has accorded, or will accord, a filing date other than the U.S. Postal Service deposit date. No payment is believed to be due in connection with this petition; however, if a fee is due, the Commissioner is hereby authorized to charge such fee or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Christopher L. Curfman
Registration No. 52,787

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(678) 420-9300
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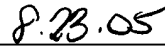
ATTORNEY DOCKET NO. 21101.0047U2
Application No. 10/539,178

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attention: Office of Petitions, Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Adrienne D. Mittons



Date

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S CHECK NUMBER

21101.0047U2

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US2003/40278

INTERNATIONAL FILING DATE

17 December 2003

PRIORITY DATE CLAIMED

17 December 2002

TITLE OF INVENTION:

RAPID DIRECT SEQUENCE ANALYSIS OF MULTI-EXON GENES

APPLICANT(S) FOR DO/EO/US:

FLANIGAN, Kevin M.; WEISS, Robert B; DUNN, Diane M.; NIEDERHAUSERN, Andrew von

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:

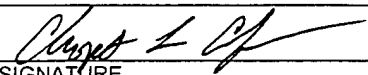
CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as Express Mail, Label No. EL970613115US in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Scott Darnell

Date

6.16.05

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2003/040278		ATTORNEY DOCKET NUMBER 21101.0047U2	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee\$300.00				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If IPER prepared by USPTO and all claims satisfy provisionals of PCT Article 33(1)-(4)\$100.00				\$ 200.00	
All other situations\$200.00					
23. <input checked="" type="checkbox"/> Search fee If Search fee (37 CFR 1.445(a)(2) in International Application to USPTO as ISA\$100.00				\$ 100.00	
ISR prepared and provided to USPTO\$400.00					
All other situations\$500.00					
TOTAL OF 21, 22 AND 23 =				\$600.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	RATE		
173 - 100	73 / 50 =	2	X \$250	\$500.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20 - 20 =	0	X \$50.00	\$0.00	
Independent claims	3 - 3 =	0	X \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$1230.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2 -				\$ 615.00	
SUBTOTAL =				\$ 615.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 months <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 615.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property.				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 615.00	
				Amount to be refunded:	\$
				charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 50-1977 in the amount of \$615.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0629. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>e. <input checked="" type="checkbox"/> Pursuant to 37 C.F.R. §1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL TO THE ADDRESS ASSOCIATED WITH: :</p> <p style="text-align: center;">Customer No. 23859</p>					
<p> SIGNATURE</p> <p>Christopher L. Curfman NAME</p> <p>52,787 REGISTRATION NUMBER</p>					

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10/539178

SIR: PLEASE ACKNOWLEDGE RECEIPT OF THE ENCLOSED:

1. Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 (2 pages) w/ Certificate of Express Mailing dated: June 16, 2005, Express Mail No. EL970613115US
2. PTO-2038 authorizing payment in the amount of \$615.00 for NATIONAL FILING FEE

In re Application of: Flanigan *et al.*

Title: RAPID DIRECT SEQUENCE ANALYSIS OF MULTI-EXON GENES

Intl. Application No.: PCT/US2003/40278 Intl. Filing Date: 17 December 2003

Attorney Docket No. 21101.0047U2 (RAH/DEH/CLC/ogr)

EL970613115US

JC04 Rec'd PCT/PTO 18 JUN 2005

RAH/DEH/CLC/OCR	
By <u>dy</u>	DOCKETED Date <u>7/1/05</u>
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- ACCEPTANCE, June 16, 2005, 6:38 pm, ATLANTA, GA 30303

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